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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,146

03/23/2004

Yoshihiro Kohta

072982-0255

1986

22428

7590

10/19/2004

FOLEY AND LARDNER

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary**Application No.**

10/806,146

Applicant(s)

KOHTA, YOSHIHIRO

Examiner

Lisa M Caputo

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiammante (U.S. Patent Application Publication No. 2003/0191721) in view of Gile et al. (U.S. Patent Application Publication No. 2004/006276, from hereinafter "Gile").

Fiammante teaches a system and method of associating communication devices to secure a commercial transaction over a network. Fiammante discloses a ticket issuing system that comprises a mobile terminal (mobile phone 140) including a storage for storing product information, a ticket issuing center (commerce site), an authentication department (table 300), and an authentication terminal (smart card 155 with signature information) wherein these components of the system are connected via a network (network 135) to perform authentication between a ticket buyer and the electronic ticket, with first information which indicates a physical characteristic (signature of the user 100) of the buyer which is registered with the authentication department. Further, the mobile terminal transmits a request for purchase to the ticket issuing center, where the ticket issuing site transmits a request for an issue of an electronic

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certificate to the authentication department to request the authentication department to issue an electronic certificate which corresponds to the request for ticket purchase transmitted from the mobile terminal which validates the ticket buyer, the authentication department complies and provides a certificate including the pre-registered identification information, and the ticket issuing center creates an electronic ticket to which the electronic certificate transmitted from the authentication department is added, and transmits the electronic ticket to the mobile terminal, and the mobile terminal stores the electronic ticket transmitted from the ticket issuing center in storage (see Figures 1-4, page 2 paragraph 20 to page 4 paragraph 34). Fiammante teaches the use of a commerce site which is able to provide a ticket in the form of a receipt of purchase of a product.

Regarding claims 1-2 and 5-6, Fiammante does not specifically teach that multiple biological information is stored in the authentication department.

Gile teaches a biometric identification and reporting system. Gile teaches that a fingerprint scanner 21 obtains information about a person attending an event, and that information is compared with the stored biometric information of the individuals who are scheduled for attendance (see Figure 1, page 3 paragraph 50 to page 4 paragraph 52). Hence, Gile teaches that it is well known that stored biometric information is able to be compared with biometric information that is obtained at a terminal.

In view of the teaching of Gile, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store and compare

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biometric data other than a digital signature because biometric data such as a fingerprint is a positive way to identify the correct user since it is unique to an individual.

Regarding claims 3 and 7, Fiammante teaches that an information terminal (personal computer 110 running the Internet) having a removable storage can be used in place of a mobile terminal (see Figure 1, page 2, paragraph 20).

Regarding claims 4 and 8, Fiammante teaches that at the time of authentication the electronic ticket is input from the removable storage into the authentication terminal (see page 4, paragraph 30).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMC

October 14, 2004



DIANE I. LEE
PRIMARY EXAMINER